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U.S. Department of Transportation  
Federal Aviation Administration  
Docket Management System  
400 7th Street, SW  
RM PL 401, Washington, DC 20591-0001

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SUBJECT: Hawaii Helicopter Air Tour Industry Petition to Amend SFAR 71

Dear FAA Administration,

This letter is from virtually every helicopter air tour pilot and helicopter air tour operation in the State of Hawaii and is motivated from our extensive experience operating under SFAR 71. It is our collective conviction that the altitude restrictions under SFAR 71 must be amended in order to enhance both safety and noise abatement in the Hawaii air tour industry.

The present 1500-foot altitude restriction with FAA approved specific deviations is cumbersome and lacks flexibility for change in dynamic circumstances. It is unnecessarily restrictive and compromises safety by taking away pilot options. Pilot judgment should dictate altitude and standoff distance in accordance with well-established FAA regulatory practice and helicopter industry experience.

The altitude restriction of SFAR71 should align with the long established, and safety proven, Federal Aviation Administration Regulations and FAA certification doctrine for helicopters. We ask that the 1500-foot restriction be maintained in relation to habitable structures and congregations of persons but that helicopter altitude restriction over other areas is amended to align with FAR Part 135.203. Although Part 135.203 is the most stringent altitude restriction for Part 135 helicopter operations and refers specifically to congested areas, we know that this is a reasonable minimum altitude to apply to helicopter tour operations in areas other than over habitable structures or congregations of people.

Allowing helicopter flight as low as 300 feet in tour areas makes SFAR 71 safer because pilot decision-making would no longer be compromised by pressure to maintain unreasonable altitudes under certain circumstances. The pilot would have the latitude to determine the safest and most reasonable route of flight considering terrain and weather. For example: Because of the normal orographic cloud ceiling that forms along the windward sides of the Hawaiian Islands helicopter tours are very often forced to fly over or close to communities which are concentrated along the coast, in order to stay 1500' AGL, yet under the cloud ceiling. General aviation airplanes often fly low in these areas to stay below helicopter tour flights. This is contrary to common sense, burdens the aviation community with an increased potential for mid-air collisions and coastal communities with increased noise exposure. Air tours concentrated in the verdant areas would have the flexibility to fly upslope, away from concentrations of coastal housing and the airspace that is the natural domain of fixed-wing traffic.

Although it may appear on the surface that the 1500 foot altitude restriction now in SFAR71 has reduced helicopter accidents in Hawaii a close look at the pre-SFAR helicopter accidents will verify the fact that a 300 foot restriction would have been equally effective in preventing almost every accident attributed to low altitude. The cost/benefit of giving pilots this greater regulatory flexibility is self evident in light of our experience operating under SFAR 71.

The following table summarizes the current FAA regulatory altitude restrictions for helicopters as well as the petitioned amendment to SFAR 71:

**FAR Part 91**

No specific altitude restriction for helicopters.

**FAR Part 135**

300 feet over congested areas, no specific restrictions elsewhere.

**SFAR 71** (Pertains to the State of Hawaii and nowhere else in the United States)

1500 everywhere, except as specifically authorized by the FAA.

**Petition for amendment to SFAR 71**

1500 feet from any habitable structure and congregation of persons,  
300 feet elsewhere.

Richard Russell  
Blue Hawaiian Helicopters